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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,593	11/28/2000	Charles Robert Knipe JR.	10003905-1	8537

7590 06/18/2004

AGILENT TECHNOLOGIES  
Legal Department, 51U-PD  
Intellectual Property Administration  
P.O. Box 58043  
Santa Clara, CA 95052-8043

EXAMINER

YUAN, ALMARI ROMERO

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/723,593

Applicant(s)

KNIPE ET AL.

Examiner

Almari Yuan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/28/00.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to communications: Application filed on 11/28/00 and IDS filed on 11/28/00.
2. Claims 1-20 are pending in the case. Claims 1, 8, and 15 are independent claims

#### *Information Disclosure Statement*

3. The references listed in the Information Disclosure Statement filed on 11/28/00 have been considered.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Bova (USPN 6,675,166 B2 – provisional application filed 02/2000) in view of Sunshine (USPN 6,606,566 B1 – filed 10/2000).**

**Regarding independent claims 1, 8, and 15 and (dependent claim 20), Bova discloses:**

A process for inclusion of links within a chromatography or spectroscopy software package, comprising:

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injecting a sample of compounds into a chromatographic or spectroscopic instrument; creating a method that contains data analysis parameters relating to the sample of compounds; creating a calibration table that contains the data analysis parameters; analyzing the signals generated by the method (Bova on col. 1, lines 28-33 teaches handling search results produced from laboratories; on col. 4, lines 15-23 teaches allowing lab researchers to plan, implement, manage, track, review, and interpret research; and col. 6, lines 26-49 teaches using XML to interact with the database); and

generating a report that provides results of the signal analysis, wherein the meta language tools link the report to resources that store information relating to the compounds (Bova on col. 2, lines 51-65 teaches research results data are linked to the local database).

However, Bova does not explicitly disclose "incorporating meta language tools in the calibration table".

Sunshine discloses "incorporating meta language tools in the calibration table", on col. 5, lines 34-47 teaches the results can be formatted into HTML and displayed on a web page.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Sunshine into Bova to provide a way to format results into HTML, as taught by Sunshine, incorporated into the research results of Bova, in order to allow data to be exchanged between computer (processor) and a database.

**Regarding dependent claims 2, 9, and 16, Bova discloses:**

linking uniform resource locators to the report via a network (Bova on col. 5, lines 45-46 teaches providing URL links to view the datamorphs (report)).

**Regarding dependent claims 3-4, 10-11 and 17-18, Bova discloses:**

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includes linking internal and local databases to the report (Bova on col. 2, lines 51-65 teaches research results data are linked to the local database).

**Regarding dependent claims 5, 12, and 19, Bova discloses:**

using HyperText Markup Language, Extensible Markup Language, or Chemical Markup Language for the meta language tools (Bova on col. 6, lines 26-49 teaches using XML, SGML or other implementation languages).

**Regarding dependent claims 6 and 13, Bova discloses:**

using a web browser to display the meta language tools directly in the report (Bova on col. 6, lines 26-49 teaches using XML to interact with the database (see Figure 2 shows Internet Explorer browser)).

**Regarding dependent claims 7 and 14, Bova discloses:**

editing the meta language tools in the calibration table (Bova on col. 5, lines 44-47 teaches providing editors with links to be implemented in their datamorphs).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5,978,804 – Dietzman – issued 11/1999


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 703-305-5945. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 703-305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AY  
June 14, 2004

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**